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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS FOLEY, VITA ZAVOLI, LILLIAN
SCAIFE, AND THE CALIFORNIA COUNCIL
OF THE BLIND,

Plaintiffs,

v.

JETBLUE AIRWAYS CORP.,

Defendant.

Case No. C10-03882 JCS

**SECOND STIPULATION TO
RESCHEDULE HEARING ON
DEFENDANT'S MOTION TO
DISMISS AND CASE MANAGEMENT
CONFERENCE, TO PERMIT THE
PARTIES TO FILE SUPPLEMENTAL
BRIEFS, AND TO PERMIT
DEFENDANT TO FILE REQUEST
FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION TO DISMISS;
[PROPOSED] ORDER**

Date: July 22, 2011
Time: 9:30 a.m.
Courtroom: A
Judge: Hon. Magistrate Judge
Joseph C. Spero

WHEREAS the initial Case Management Conference in this action and the hearing on Defendant's motion to dismiss were postponed to June 24, 2011 to enable the parties to participate in early settlement negotiations;

WHEREAS the parties have been unable to reach a settlement;

WHEREAS defense counsel has a conflict on the date currently scheduled for the next case management conference and the hearing on Defendant's motion;

WHEREAS Defendant notified the Court of the recent decision in *National Federation of the Blind v. United Airlines, Inc.*, United States District Court, Northern District of California, Docket No. 3:10-cv-04816-WHA ("*National Federation of the Blind v. United Airlines, Inc.*"), whereby the Court held that plaintiff's claims that United Airlines violated California's Unruh Civil Rights Act, California Civil Code §§ 51-51.13 and the Disabled Persons Act, California Civil Code §§ 54-54.9, by allegedly not making its automated kiosks in California airports accessible to blind passengers in a particular manner, were federally preempted under the Air Carrier Access Act ("ACCA"), 49 U.S.C. § 41705 and the Airline Deregulations Act of 1978 ("Deregulation Act") 49 U.S.C. § 41713.

1 WHEREAS the parties seek to submit supplemental briefing to this Court on Defendant's
2 motion to dismiss in light of the recent developments in the case of *National Federation of the*
3 *Blind v. United Airlines, Inc.* Brief shall be filed no later than July 1, 2011; limited to no more
4 than five pages in length.

5 WHEREAS Defendant also seeks to have the Court take judicial notice of the United
6 States Department of Transportation statement of opinion in *National Federation of the Blind v.*
7 *United Airlines, Inc.*

8 **IT IS HEREBY STIPULATED AS FOLLOWS:**

9 1. The hearing on Defendant's Motion to Dismiss currently scheduled for June 24,
10 2011 shall be rescheduled for July 22, 2011 at 9:30 a.m.;

11 2. The Case Management Conference currently scheduled for June 24, 2011 shall
12 also be rescheduled for July 22, 2011 at 9:30 a.m.;

13 3. Defendant JetBlue Airways Corp. may file a Request for Judicial Notice of the
14 Statement of Interest by the United States in *National Federation of the Blind v. United Airlines,*
15 *Inc.*; and

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4. Within 30 calendar days after entry of an Order based on this Stipulation, Plaintiffs and Defendant may each file a brief of up to 15 pages to address the statement of interest, or as may otherwise be ordered by the Court.

Dated: May 11, 2011

JACKSON LEWIS LLP

By: /s/

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Attorneys for Defendant
JETBLUE AIRWAYS CORPORATION

Dated: May 11, 2011

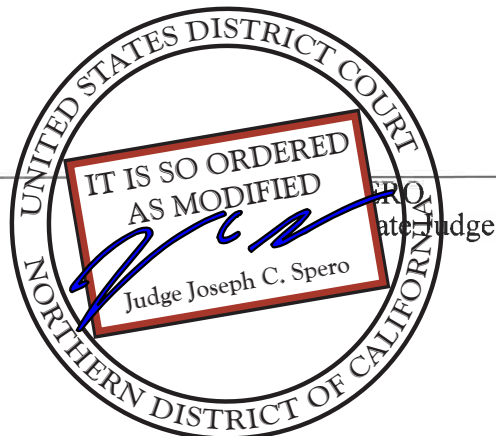
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LILLIAN SCAIFE, AND
THE CALIFORNIA COUNCIL OF
THE BLIND

IT IS SO ORDERED.

Dated: May 19, 2011



4831-6499-4313, v. 2